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October 30, 2008

Ms. G. Marie Watts, SR-6J
Remedial Enforcement Services Section
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3590

EPA Region 5 Records Ctr.



366053

Re: The Chemical Recovery Systems Site, Elyria, OH ("Site")
Response to CERCLA Section 104(e) Information Request

Dear Ms. Watts:

I am writing on behalf of OSRAM SYLVANIA, INC. ("Sylvania") in response to the July 18, 2008 General Notice letter and Information Request from Ms. Carney of your office regarding the above-referenced Site. You will recall that we spoke and exchanged email correspondence about this matter on August 15, 2008 and August 25, 2008 as well. Please see my August 25, 2008 correspondence to you, which served as Sylvania's initial response to the General Notice letter. We had discussed an extension of time for Sylvania to submit its response to the Information Request, so this response ought to be considered timely.

At this time, Sylvania has only limited information demonstrating the United States Environmental Protection Agency's ("USEPA's") basis for determining that Sylvania is a potentially responsible party with regard to the Site, which information was provided to us by Tom Nash, Associate Regional Counsel, USEPA, Region V. The USEPA's records associate two former Sylvania facilities with the Site. The two facilities were located in Altoona, Pennsylvania and Emporium, Pennsylvania and are referenced in the USEPA's records as: Sylvania Electric Products, Co.; Sylvania Electric Products, Inc.; Sylvania Products, Inc.; Sylvania Emporium; and Sylvania Altoona. Both the Emporium facility and the Altoona facility were sold to North American Phillips Corporation in late 1980.

Sylvania has evaluated the available relevant internal records to determine the involvement, if any, of Sylvania with the Site and has identified no apparent connection to the Site based on internal records. As explained further herein, these records are extremely limited. Regardless, Sylvania is providing this response to the USEPA's Information Request as required by Ms. Carney's July 18, 2008 correspondence.

For your future information, Sylvania has agreed to participate in negotiations with USEPA regarding the Site as a member of the CRS Site Group, which is represented by separate

group common legal counsel, in order to resolve Sylvania's responsibility, consistent with an appropriate allocation of responsibility among all the PRPs at this Site.

I provide the following information in response to the July 18, 2008 Information Request.

REQUEST 1. Identify all persons consulted in the preparation of the answers to these questions.

RESPONSE 1: *The following individuals were consulted in preparation of this response:*

<i>Pam M. Cox, PG Manager GTE Operations Support Incorporated One Verizon Way, VC34W414 Basking Ridge, New Jersey 07920 (908) 559-3691</i>	<i>Jean Agostinelli Vice President and Controller GTE Operations Support Incorporated One Verizon Way, VC34W453 Basking Ridge, New Jersey 07920 (908) 559-3687</i>
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REQUEST 2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

RESPONSE 2: *In response to a formal FOIA request submitted on behalf of Sylvania to the USEPA, we received a preliminary response (as noted above) from Tom Nash, counsel for the USEPA in this matter, which included a CD and hardcopies of various portions of the agency's files regarding the Site. Mr. Nash attempted to provide, in an expeditious fashion, the materials that the agency believes establish the nexus between Sylvania and the Site as well as the nexus between most other named PRPs and the Site. We have not yet received the agency's complete response to our FOIA request; however, we have reviewed the materials provided by Mr. Nash. Further, we have reviewed available relevant internal documentation and were unable to locate any records regarding the Site. We have some information regarding other disposal facilities (landfills) that were located much closer to the two facilities, but none of our internal records include any references to the Site. So, to the extent Sylvania has knowledge of the Site, such knowledge is based on the USEPA's records. Because the only documents that contain references to the Site and Sylvania were provided to us by the USEPA, we are not attaching copies of such documents to this response.*

REQUEST 3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.

RESPONSE 3: *Respondent is unaware of any individuals who may be "able to provide a more detailed or complete response" or "able to provide additional responsive documents." We are pursuing historic information regarding former employees of the two facilities, and we will supplement this response in the event that we discover any individuals who may be able to provide more detail or documentation.*

REQUEST 4. List the EPA Identification numbers of the Respondent.

RESPONSE 4: *Respondent believes that the USEPA Identification Number for the Altoona, Pennsylvania facility was PAD004374955. Respondent is unaware of the USEPA Identification Number for the Emporium, Pennsylvania facility.*

REQUEST 5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.

RESPONSE 5: *Respondent is unaware of any acts or omissions "that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site."*

REQUEST 6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).

RESPONSE 6: *Respondent is unaware of any individuals "who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site."*

REQUEST 7. Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:

- a) Obitts Chemical Company
- b) Russell Obitts
- c) Chemical Recovery Systems, Inc.
- d) Peter Shagena
- e) James Freeman
- f) James "Jim" Jackson
- g) Donald Matthews
- h) Bob Spears
- i) Bill Bromley
- j) Carol Oliver
- k) Nolwood Chemical Company, Inc.
- l) Art McWood
- m) Chuck Nolton
- n) Michigan Recovery Systems, Inc.
- o) Chemical Recovery Systems of Michigan

RESPONSE 7: *Respondent is unaware of any arrangements with the above-identified individuals and entities. The materials provided to Respondent by the USEPA, as*

described in Response 2 above, indicate that the two facilities, one located in Emporium, PA and one in Altoona, PA, received deliveries from the Obitts Chemical Company from approximately June of 1970 through November of 1972. The Obitts Chemical Company appears to have picked up materials from at least one of the two facilities -- the Altoona, PA plant. Whether or not the materials were picked up from the Emporium, PA plant is unclear from the USEPA's records. Based on the USEPA's records, the quantity of material that was either picked up or delivered cannot be determined because the majority of the information is simply "accounts receivable" ledger entries with associated invoice numbers and dollar amounts. As noted above in Response 2, Respondent has been unable to identify any internal records regarding the Site. Note that both facilities were located a significant distance away, approximately 240 miles, from the Site. The USEPA's records indicate that the materials delivered during the early 1970s appear to include Anhydrol and Synasol. Anhydrol and Synasol are brand name synonyms for a compound containing primarily ethanol, which is not a hazardous substance.

REQUEST 8. Set forth the dates during which the Respondent engaged in any of the following activities:

- a) Generation of hazardous materials which were sent to the CRS Site;
- b) Transportation of any material to the CRS Site.

RESPONSE 8: *Please see Response 7 above.*

REQUEST 9. Identify all persons, including you, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements occurred;
- c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d) The owner of the materials or hazardous substances so accepted or transported;
- e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the materials;
- g) The person(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in (g), above, intended to have such hazardous substances or materials transported and all evidence of this intent;
- j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

- k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;
- l) The final disposition of each of the materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and location of treatment or disposal of the material and hazardous substance involved in each transaction;
- n) The type and number of containers the materials or hazardous substances were contained when accepted for transport, and subsequently until deposited at the CRS Site, and all markings on such containers;
- o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;
- p) All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- q) All persons with knowledge, information, documents responsive to a - p above.

RESPONSE 9: *Please see Responses 1-8 above. Respondent has no further information regarding the Site. Respondent cannot determine with certainty whether any hazardous substances associated with Sylvania were disposed or treated at, or transported to, the Site.*

REQUEST 10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

RESPONSE 10: *Respondent objects to Request 10. As noted above, Sylvania has joined the CRS Site Group, which is currently engaged in negotiations with the USEPA regarding investigation and cleanup of the Site. The two facilities at issue were sold almost three decades ago, and the ownership history of the two facilities is quite complex, which in part demonstrates why we have not been able to locate any relevant internal records regarding the Site. Due to contractual arrangements made at the time of the sale of the facilities in 1980, Sylvania likely is not financially responsible for these issues arising from these two facilities; however, the financially responsible entity is a public company traded on the New York Stock Exchange, and information regarding the financial health of that entity and its relevant SEC filings are readily available online. Due to the limited role we have with this matter, and our agreement to join the CRS Site Group as noted above, we do not believe that additional financial information is relevant or necessary at this time.*

REQUEST 11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

RESPONSE 11: *Respondent objects to Request 11 for the reasons set forth in Response 10 above. Please see Response 10 above.*

REQUEST 12. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
- c) Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.
- d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

RESPONSE 12: *Respondent is a corporation. Respondent objects to Request 12 for the reasons set forth above. Please see Responses 10 and 11 above.*

REQUEST 13. If Respondent is a Partnership, respond to the following requests:

- a) Provide copies of the Partnership Agreement;
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c) Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.
- d) Identify all subsidiaries of the Respondent.

RESPONSE 13: *Respondent is not a Partnership.*

REQUEST 14. If Respondent is a Trust, respond to the following requests:

- a) Provide all relevant agreements and documents to support this claim.
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
- c) Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

RESPONSE 14: *Respondent is not a Trust.*

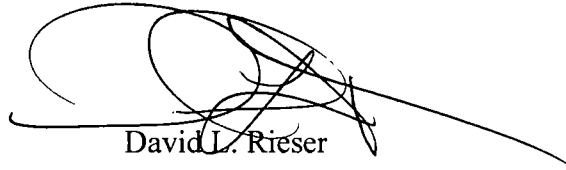
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Al Lelis
Manager of Environmental Health and Safety

Date

Thank you for your assistance in this matter, and please contact me with any questions.

Sincerely,

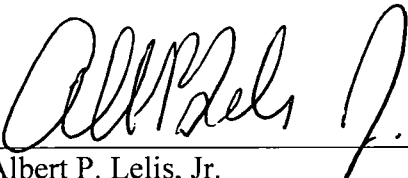

David L. Rieser

DLR/sac

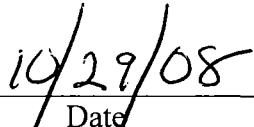
cc: Christine Sheedy
Al Lelis

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Albert P. Lelis, Jr.
Manager of Environmental Health and Safety



Date

Thank you for your assistance in this matter, and please contact me with any questions.

Sincerely,

David L. Rieser

DLR/sac

cc: Christine Sheedy
Albert P. Lelis, Jr.

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